

February 19, 2008 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Tuesday, February 19, 2008 at 7:00 P.M.

Council President Paul M. Rodrigues, Presiding

Councillor Barbara A. Barrow

Councillor Louis P. DiPalma

Councillor M. Theresa Santos

Councillor Edward J. Silveira, Jr.

Councillor Robert J. Sylvia, Members Present

Vice Chair Shirley R. Mello, Absent

CONSENT CALENDAR

1. Approval of Minutes – Special Meeting, February 4, 2008.

On motion of Councillor Santos, duly seconded, it was voted unanimously to approve said minutes.

2. Approval of Minutes – Regular Meeting, February 4, 2008.

On motion of Councillor Santos, duly seconded, it was voted unanimously to approve said minutes.

3. Memorandum of Interim Town Administrator, re: Hunting and Fishing Permits.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said memorandum.

4. House Resolution declaring March 29, 2008 as “Lights Out America Day”.

On motion of Councillor Santos, duly seconded, it was voted unanimously to pass said resolution.

5. Communication of Finance Director, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said communication.

6. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Councillor Santos, duly seconded, it was voted unanimously to pass said resolution.

7. Memorandum of Interim Town Administrator, with enclosures, re: Tax Collector's Report for period ending January 31, 2008.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said memorandum.

8. Memorandum of Interim Town Administrator, with enclosures, re: Budget Transfers – Period Ending December 31, 2007.

On motion of Councillor Santos, duly seconded, it was voted

unanimously to receive said memorandum.

9. Resolution of the Council, re: Approval of budget transfers – General Fund.

On motion of Councillor Santos, duly seconded, it was voted unanimously to pass said resolution.

10. Resolution of the Council, re: Approval of budget transfers – Parks & Recreation Fund.

On motion of Councillor Santos, duly seconded, it was voted unanimously to pass said resolution.

11. Resolution of the Council, re: Approval of budget transfers – Sewer Fund.

On motion of Councillor Santos, duly seconded, it was voted unanimously to pass said resolution.

12. Application of Narragansett Improvement, 223 Allens Avenue, Providence, for RENEWAL of Drain Layers License for the 2008-2009 licensing year.

On motion of Councillor Santos, duly seconded, it was voted unanimously to grant said license renewal.

TOWN COUNCIL

1. Continued from February 4, 2008

Continued from January 22, 2008

Resolution of the Council, re: Commendation for 2007 Middletown High School Girls Volleyball Team, Division III State Champions.

On motion of Councillor Santos, duly seconded it was voted unanimously to continue said resolution until the Town Clerk is notified of the availability of team members.

2. Resolution of the Council, re: Commendation for Joseph Polnaszek.

On motion of Councillor Santos, duly seconded, it was voted unanimously to pass said resolution which was read and presented by Council President Rodrigues to Joseph Polnaszek.

3. Application of Joan Rua dba Gateway Barber Shop, 657 West Main Road, for a Holiday License for the 2008-2009 licensing year. (NEW)

On motion of Councillor Santos, duly seconded, it was voted unanimously to grant said license.

4. Application for Special Event Permit from Special Olympics Rhode Island, Torch Run Plunge, Atlantic Beach, Johnny's Atlantic Beach Club, 55 Purgatory Road, March 9th from 10:00 AM until 12:00 PM.

On motion of Councillor Santos, duly seconded, it was voted unanimously to grant said Special Event Permit.

5. Memorandum of Town Planner, with enclosures, re: FY2008 Small Cities Community Development Block Grant Application (CDBG) – Project priorities.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said memorandum.

Town Planner Ronald Wolanski noted that the Town is eligible to apply for up to \$250,000. in funding. He also explained that the grant funds may be used to assist with various projects that benefit the low and moderate-income residents in town. This is the first of two public hearings. There will be at least (6) six outside agencies requesting to be included in the Town's application. Each year the Town contracts with Church Community Housing Corporation to assist with the application and administration of the program.

Stephen Ositguy, Executive Director, Church Community Housing, addressed the Council noting the priorities for the grant are the same each year, to assist low to moderate-income residents.

6. Public Hearing (Advertised)

Town of Middletown application for Small Cities Community Development Block Grant (CDBG) for certain projects, in an amount not to exceed \$250,000.

Public Hearing was declared open.

Joanne Hoops, Executive Director Boys and Girls Club of Newport County, noted how they have expanded the Boys and Girls Club Oxbow site. The Boys and Girls Club will be requesting up to \$10,000 of funding for the C.L.U.B. Respect project at Oxbow Farms.

Keith Tavares, Vice-President of Institutional Advancement for Child & Family Services, stated that Child and Family Services will be applying for funding to assist with the architectural fees for their new state of the art headquarters to be built as a part of the Aquidneck Corporate Park. This facility will bring the majority of their services under one roof.

Jimmy Winters, representing Church Community Housing, noted this years goals include essay contests, a media project and assisting students in the process of renting apartments.

There being no other persons present desiring to be heard on the matter, public hearing was declared closed.

A second public hearing will be held at a date to be determined.

7. Memorandum of Interim Town Administrator, with enclosures, re: Road Construction Index – Phase I Final Draft Inventory and Assessment report.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said memorandum.

Interim Town Administrator Shawn Brown reviewed the process followed, including how the results were compiled to complete this Final Draft of the Road Construction Index. The project was done in house where other communities have had to use an outside contractor.

Town Engineer Warren Hall, reviewed the report as follows:

The entire Road Pavement Management System, Phase I: Final Draft is on file in the office of the Town Clerk.

Councillor Santos expressed concern regarding public knowledge of the report.

8. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 114, Fortunetellers; Tattoos, as amended.

Town Solicitor Francis Holbrook reviewed the amendments to this ordinance noting this revision is now consistent with current regulations and state laws.

Mr. Holbrook will send a copy of this amendment to Mr. Botello, the licensed Tattoo Artist in Middletown.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

9. Memorandum of Interim Town Administrator, with enclosures, re: Proposed fee increases for Zoning Certificates and Certificate of Occupancy.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said memorandum.

Building Official Jack Kane addressed the Council noting the increases for Zoning Certificates and Certificate of Occupancy

permits. Before the submission of these changes, Mr. Kane had investigated fees charged in approximately (6) six other communities comparable to Middletown.

10. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 36, Fee Schedule, Sections 36, 37 and 38, as amended.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

11. Memorandum of Vice Chair Mello, re: Recommendation Proposed Charter Changes.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said memorandum.

12. Communication of Liz Bozyan, Member, Charter Review Committee, re: Proposed Charter Changes.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said communication.

Liz Bozyan, 535 Indian Avenue, addressed the Council noting the document presented to the Council proposes significant changes to the current Charter. Ms. Bozyan requests the Council not to rush forward, but to review the changes carefully.

13. Communication of Barbara A. VonVillas, Chair, Charter Review Committee, with enclosures, re: Committee's Final Report.

On motion of Councillor Santos, duly seconded, it was voted

unanimously to receive said communication.

Councillor DiPalma noted the need for a timeline to keep the process on track.

Council President Rodrigues noted this document proposed major changes to the current Charter and the Council should take their time and review all changes made.

It was requested that the Town Solicitor identify and clarify that the correct version of the Charter was being reviewed by the Charter Review Committee.

On motion of Councillor Sylvia, duly seconded, it was voted unanimously to move forward with setting up a meeting with the Charter Review Committee to be held in March, date to be determined.

14. Memorandum of Vice Chair Mello, re: Pump Stations.

On motion of Councillor Santos, duly seconded, it was voted unanimously to continue this matter to the next regular meeting of the Council to be held on March 3, 2008.

15. Memorandum of Vice Chair Mello, re: Paradise Avenue/Green End Avenue Situation.

On motion of Councillor Santos, duly seconded, it was voted unanimously to continue this matter to the next regular meeting of the Council to be held on March 3, 2008.

16. Memorandum of Councillor DiPalma, with enclosures, re: Requesting support of Hotel Tax Reallocation.

Councillor Silveira recused himself from acting on this matter, due to a possible conflict of interest.

On motion of Councillor Santos, duly seconded it was voted unanimously to receive said memorandum.

On motion of Councillor DiPalma, duly seconded, it was voted unanimously to continue this matter to the next regular meeting of the Council to be held on March 3, 2008.

17. Resolution of the Council, re: Supporting Hotel Tax Reallocation.

On motion of Councillor DiPalma, duly seconded, it was voted unanimously to continue this matter to the next regular meeting of the Council to be held on March 3, 2008.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

No one addressed the Council during this session.

On motion of Councillor Santos, duly seconded, it was voted unanimously to adjourn this meeting at 8:04 P.M.

Wendy J.W. Marshall, CMC

Council Clerk